

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate  
3 Bill No. 124 entitled “An act relating to miscellaneous law enforcement  
4 amendments” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 \* \* \* Vermont Criminal Justice Training Council \* \* \*

8 Sec. 1. 20 V.S.A. § 2351 is amended to read:

9 § 2351. CREATION AND PURPOSE OF COUNCIL

10 \* \* \*

11 (b) The Council is created to encourage and assist municipalities, counties,  
12 and governmental agencies of this State in their efforts to improve the quality  
13 of law enforcement and citizen protection by maintaining a uniform standard  
14 of ~~recruitment~~ recruit and in-service training for law enforcement officers.

15 \* \* \*

16 Sec. 2. 20 V.S.A. § 2352 is amended to read:

17 § 2352. COUNCIL MEMBERSHIP

18 (a)(1) The Vermont Criminal Justice Training Council shall consist of:

19 (A) the Commissioners of Public Safety, ~~of Corrections~~, of Motor  
20 Vehicles, ~~and~~ of Fish and Wildlife, and of Mental Health;

21 (B) the Attorney General;

1           (C) the Executive Director of the Department of State’s Attorneys  
2           and Sheriffs;

3           (D) a member of the Vermont Troopers’ Association or its successor  
4           entity, elected by its membership;

5           ~~(D)~~(E) a member of the Vermont Police Association, elected by its  
6           membership; ~~and~~

7           ~~(E)~~(F) ~~five additional members appointed by the Governor.~~

8           ~~(i) The Governor’s appointees shall provide broad representation~~  
9           ~~of all aspects of law enforcement and the public in Vermont on the Council.~~

10           ~~(ii) The Governor shall solicit recommendations for appointment~~  
11           ~~from the Vermont State’s Attorneys Association, the Vermont State’s Sheriffs~~  
12           ~~Association, the Vermont Police Chiefs Association, and the Vermont~~  
13           ~~Constables Association~~ a member of the Chiefs of Police Association of  
14           Vermont, appointed by the President of the Association;

15           (G) a member of the Vermont Sheriffs’ Association, appointed by the  
16           President of the Association;

17           (H) a law enforcement officer appointed by the President of the  
18           Vermont State Employees Association;

19           (I) an employee of the Vermont League of Cities and Towns,  
20           appointed by the Executive Director of the League;









1        (b) Rules. On or before July 1, 2021, the Council shall finally adopt the  
2        rules regarding alternate routes to certification required by 20 V.S.A.  
3        § 2355(a)(1) in Sec. 4 of this act, unless that deadline is extended by the  
4        Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

5        Sec. 7. 20 V.S.A. § 2361 is amended to read:

6        § 2361. ADDITIONAL TRAINING

7        (a) Nothing in this chapter prohibits any ~~State~~ law enforcement agency,  
8        ~~department, or office or any municipality or county of the State~~ from providing  
9        additional training beyond basic training to its personnel where no certification  
10       is requested of or required by the Council or its Executive Director.

11       (b) ~~The head of a State agency, department, or office, a municipality's chief~~  
12       ~~of police, or a sheriff~~ executive officer of a law enforcement agency may seek  
13       certification from the Council for any in-service training he ~~or~~, she, or his or  
14       her designee may provide to ~~his or her employees~~ law enforcement officers of  
15       his or her agency or of another agency, or both.

16       Sec. 8. 20 V.S.A. § 2362a is amended to read:

17       § 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT

18       **CURRENT OR** FORMER AGENCY

19       (a)(1) Prior to hiring a law enforcement officer ~~who is no longer employed~~  
20       ~~at his or her last law enforcement agency~~, the executive officer of a potential  
21       hiring law enforcement agency shall:

1 (A) require that officer to execute a written waiver that explicitly  
2 authorizes the officer's:

3 (i) current law enforcement agency employer to disclose its  
4 analysis of the officer's performance at that agency, if the officer is still  
5 employed at that agency; or

6 (ii) last law enforcement agency employer to disclose the reason  
7 that officer is no longer employed by that agency, if the officer is not currently  
8 employed at an agency; and

9 (B) contact that ~~former~~ agency to ~~determine that reason~~ obtain that  
10 disclosure and provide to that agency a copy of that written waiver.

11 (2) An officer who refuses to execute the written waiver shall not be  
12 hired by the potential hiring agency.

13 (b)(1)(A) If that current or former agency is a law enforcement agency in  
14 this State, the executive officer of that current or former agency or designee  
15 shall disclose to the potential hiring agency in writing its analysis of the  
16 officer's performance at that agency or the reason the officer is no longer  
17 employed by the former agency, as applicable.

18 (B) The executive officer or designee shall send a copy of the  
19 disclosure to the officer at the same time he or she sends it to the potential  
20 hiring agency.



- 1 (ii) domestic assault;
- 2 (iii) false reports and statements;
- 3 (iv) driving under the influence, second offense;
- 4 (v) violation of a relief from abuse order or of a condition of
- 5 release;
- 6 (vi) stalking;
- 7 (vii) false pretenses;
- 8 (viii) voyeurism;
- 9 (ix) prostitution or soliciting prostitution;
- 10 (x) distribution of a regulated substance;
- 11 (xi) simple assault on a law enforcement officer; or
- 12 (xii) possession of a regulated substance, second offense.

13 (2) “Category B conduct” means gross professional misconduct  
14 amounting to actions on duty or under color of authority, or both, that involve  
15 willful failure to comply with a State-required policy or substantial deviation  
16 from professional conduct as defined by the law enforcement agency’s policy  
17 or if not defined by the agency’s policy, then as defined by Council policy,  
18 ~~such as~~ and shall include:

- 19 (A) sexual harassment involving physical contact or misuse of
- 20 position;
- 21 (B) misuse of official position for personal or economic gain;

- 1 (C) excessive use of force under color of authority, ~~second~~ first  
2 offense;
- 3 (D) biased enforcement; or
- 4 (E) use of electronic criminal records database for personal, political,  
5 or economic gain.

6 \* \* \*

7 § 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

8 (a)(1) The executive officer of a law enforcement agency or the chair of the  
9 agency's civilian review board shall report to the Council within 10 business  
10 days if any of the following occur in regard to a law enforcement officer of the  
11 agency:

12 (A) Category ~~(A)~~.

13 (i) There is a finding of probable cause by a court that the officer  
14 committed Category A conduct.

15 (ii) There is any decision or findings of fact or verdict regarding  
16 allegations that the officer committed Category A conduct, including a judicial  
17 decision and any appeal therefrom.

18 (B) Category B.

19 (i) The agency receives a complaint against the officer that, ~~if~~  
20 ~~deemed credible by the executive officer of the agency as a result of a valid~~  
21 ~~investigation,~~ alleges that the officer committed Category B conduct.

1 (ii) The agency receives or issues any of the following:

2 (I) a report or findings of a valid investigation finding that the  
3 officer committed Category B conduct; or

4 (II) any decision or findings, including findings of fact or  
5 verdict, regarding allegations that the officer committed Category B conduct,  
6 including a hearing officer decision, arbitration, administrative decision, or  
7 judicial decision, and any appeal therefrom.

8 (C) Termination. The agency terminates the officer for Category A  
9 or Category B conduct.

10 (D) Resignation. The officer resigns from the agency while under  
11 investigation for unprofessional conduct.

12 (2) As part of his or her report, the executive officer of the agency or the  
13 chair of the civilian review board shall provide to the Council a copy of any  
14 relevant documents associated with the report, including any findings,  
15 decision, and the agency's investigative report.

16 (b) The Executive Director of the Council shall report to the Attorney  
17 General and the State's Attorney of jurisdiction any allegations that an officer  
18 committed Category A conduct.

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\* \* \* Municipal Police Officer Recruitment and Retention \* \* \*

Sec. 11. STATE TREASURER; RETIREMENT DIVISION; PROPOSED  
PLAN; POLICE OFFICERS COVERED UNDER VERMONT  
MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM

(a) On or before January 15, 2021, the State Treasurer's Retirement Division shall submit to the Senate and House Committees on Government Operations a proposed plan to place municipal police officers covered under the Municipal Employees' Retirement System of Vermont (VMERS) on a new retirement plan substantially equivalent to the retirement plan that covers law enforcement officers under the Vermont State Retirement System (VSRS), except for the health and medical benefits available to officers under the VSRS.

(b) The Retirement Division's proposed plan shall include:

(1) recommendations on how to transition VMERS officers to the new retirement plan, including any specific timing recommendations;

(2) the costs associated with the new retirement plan; and

(3) concerns, if any, regarding the new retirement plan.

1                                   \* \* \* Vermont Crime Information Center \* \* \*

2           Sec. 12. 20 V.S.A. § 2053 is amended to read:

3           § 2053. COOPERATION WITH OTHER AGENCIES

4           (a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and  
5           agencies, municipal police departments, sheriffs, and other law enforcement  
6           officers in this ~~state~~ State and with federal and international law enforcement  
7           agencies to develop and carry on a uniform and complete ~~state~~ State, interstate,  
8           national, and international system of records of ~~criminal activities~~ commission  
9           of crimes and information.

10           (b)(1) All ~~state~~ State departments and agencies, municipal police  
11           departments, sheriffs, and other law enforcement officers shall cooperate with  
12           and assist the ~~center~~ Center in the establishment of a complete and uniform  
13           system of records relating to the commission of crimes, arrests, convictions,  
14           imprisonment, probation, parole, fingerprints, photographs, stolen property,  
15           and other matters relating to the identification and records of persons who have  
16           or who are alleged to have committed a crime, or who are missing persons, or  
17           who are fugitives from justice.

18           (2) In order to meet the requirements of subdivision (1) of this  
19           subsection, the Center shall establish and provide training on a uniform list of  
20           definitions to be used in entering data into a law enforcement agency's system

1 of records, and every law enforcement officer shall use those definitions when  
2 entering data into his or her agency's system.

3 Sec. 13. 20 V.S.A. § 2055 is amended to read:

4 § 2055. FILES

5 (a) The ~~director~~ Director of the Vermont ~~crime information center~~ Crime  
6 Information Center shall:

7 (1) disseminate on a quarterly basis to the legislative body of each town  
8 in the State without a police department a report describing the nature of  
9 crimes alleged to have been committed in that town in the preceding quarter,  
10 without providing any personally identifying information; and

11 (2) maintain and disseminate such files as are necessary relating to the  
12 commission of crimes, arrests, convictions, disposition of criminal causes,  
13 probation, parole, fugitives from justice, missing persons, fingerprints,  
14 photographs, stolen property, and such matters as the ~~commissioner~~  
15 Commissioner deems relevant.

16 (b) The ~~director~~ Director shall maintain criminal records pursuant to this  
17 chapter regardless of whether the record is fingerprint supported. Any “no  
18 print, no record” rule or policy of the ~~center~~ Center shall be void.

1                                   \* \* \* Law Enforcement Advisory Board \* \* \*

2       Sec. 14. LEAB; REPEAL FOR RECODIFICATION

3               24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

4       Sec. 15. 20 V.S.A. § 1818 is added to read:

5       § 1818. LAW ENFORCEMENT ADVISORY BOARD

6               (a) The Law Enforcement Advisory Board is created within the Department  
7       of Public Safety to advise the Commissioner of Public Safety, the Governor,  
8       and the General Assembly on issues involving the cooperation and  
9       coordination of all agencies that exercise law enforcement responsibilities.

10       The Board shall review any matter that affects more than one law enforcement  
11       agency. The Board shall comprise the following members:

12               (1) the Commissioner of Public Safety;

13               (2) the Director of the Vermont State Police;

14               (3) the Director of the Enforcement Division of the Department of Fish  
15       and Wildlife;

16               (4) the Director of the Enforcement and Safety Division of the  
17       Department of Motor Vehicles;

18               (5) the Director of the Vermont Criminal Justice Services Division;

19               (6) a member of the Chiefs of Police Association of Vermont, appointed  
20       by the President of the Association;

1           (7) a member of the Vermont Sheriffs' Association, appointed by the  
2           President of the Association;

3           (8) a representative of the Vermont League of Cities and Towns,  
4           appointed by the Executive Director of the League;

5           (9) a member of the Vermont Police Association, appointed by the  
6           President of the Association;

7           (10) the Attorney General or designee;

8           (11) a State's Attorney appointed by the Executive Director of the  
9           Department of State's Attorneys and Sheriffs;

10          (12) the U.S. Attorney or designee;

11          (13) the Executive Director of the Vermont Criminal Justice Training  
12          Council;

13          (14) the Defender General or designee;

14          (15) one representative of the Vermont Troopers' Association or its  
15          successor entity, elected by its membership;

16          (16) a member of the Vermont Constables Association, appointed by the  
17          President of the Association; and

18          (17) a law enforcement officer, appointed by the President of the  
19          Vermont State Employees Association.

20          (b) The Board shall elect a chair and a vice chair, which positions shall  
21          rotate among the various member representatives. Each member shall serve a

1 term of two years. The Board shall meet at the call of the Chair. A quorum  
2 shall consist of nine members, and decisions of the Board shall require the  
3 approval of a majority of those members present and voting.

4 (c) The Board shall undertake an ongoing formal review process of law  
5 enforcement policies and practices with a goal of developing a comprehensive  
6 approach to providing the best services to Vermonters, given monies available.  
7 The Board shall also provide educational resources to Vermonters about public  
8 safety challenges in the State.

9 (d)(1) The Board shall meet not fewer than six times a year to develop  
10 policies and recommendations for law enforcement priority needs, including  
11 retirement benefits, recruitment of officers, training, homeland security issues,  
12 dispatching, and comprehensive drug enforcement.

13 (2) The Board shall present its findings and recommendations in brief  
14 summary form to the House and Senate Committees on Judiciary and on  
15 Government Operations annually on or before January 15.

16 Sec. 16. LEAB; RECODIFICATION DIRECTIVE

17 (a) 24 V.S.A. § 1939 is recodified as 20 V.S.A. § 1818. During statutory  
18 revision, the Office of Legislative Council shall revise accordingly any  
19 references to 24 V.S.A. § 1939 in the Vermont Statutes Annotated.

20 (b) Any references in session law and adopted rules to 24 V.S.A. § 1939 as  
21 previously codified shall be deemed to refer to 20 V.S.A. § 1818.







1 government, including ~~state~~ State, local, and federal agencies or private  
2 nonprofit entities.

3 (3) Such charges shall be credited to the Vermont ~~communication~~  
4 ~~system special fund~~ Law Telecommunications Special Fund and shall be  
5 available to the ~~department~~ Department to offset the costs of providing the  
6 services.

7 Sec. 19. DEPARTMENT OF PUBLIC SAFETY; DISPATCH RULES;  
8 ADOPTION AND APPLICATION

9 The Department of Public Safety shall finally adopt the rules regarding  
10 dispatch rates and standards required by 20 V.S.A. § 1871(i)(1) and (2) set  
11 forth in Sec. 18 of this act so that those rules are in effect on or before July 1,  
12 2021.

13 \* \* \* Emergency Medical Services \* \* \*

14 Sec. 20. 24 V.S.A. chapter 71 is amended to read:

15 CHAPTER 71. AMBULANCE SERVICES

16 Subchapter 1. Emergency Medical Services Districts

17 § 2651. DEFINITIONS

18 As used in this chapter:

19 \* \* \*

20 (14) ~~“State Board” means the State Board of Health. [Repealed.]~~

21 \* \* \*

1 § 2652. CREATION OF DISTRICTS

2 The ~~State Board~~ Department of Health may divide the State into emergency  
3 medical services districts, the number, size, and boundaries of which shall be  
4 determined by the ~~Board~~ Department in the interest of affording adequate and  
5 efficient emergency medical services throughout the State.

6 \* \* \*

7 § 2654. RECORDING DETERMINATION OF DISTRICTS

8 The ~~State Board~~ Department of Health shall cause to be recorded in the  
9 office of the Secretary of State a certificate containing its determination of  
10 emergency medical services districts.

11 \* \* \*

12 § 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

13 (a) The board of directors shall have full power to manage, control, and  
14 supervise the conduct of the district and to exercise in the name of the district  
15 all powers and functions belonging to the district, subject to such laws or  
16 ~~regulations~~ rules as may be applicable.

17 \* \* \*

18 § 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL  
19 SERVICES DISTRICTS

20 (a) It shall be the function of each emergency medical services district to  
21 foster and coordinate emergency medical services within the district, in the

1 interest of affording adequate ambulance services within the district. Each  
2 emergency medical services district shall have powers ~~which~~ that include the  
3 power to:

4 \* \* \*

5 (3) enter into agreements and contracts for furnishing technical,  
6 educational, and support services ~~and credentialing~~ related to the provision of  
7 emergency medical treatment;

8 \* \* \*

9 (6) monitor the provision of emergency medical services within the  
10 district and make recommendations to the ~~State Board~~ Department of Health  
11 regarding licensure, relicensure, and removal or suspension of licensure for  
12 ambulance vehicles, ambulance services, and first responder services;

13 \* \* \*

14 (10) assist the Department of Health in a program of testing for  
15 licensure of emergency medical services personnel; and

16 (11) ~~assure that each affiliated agency in the district has implemented a~~  
17 ~~system for the credentialing of all its licensed emergency medical personnel;~~  
18 ~~and~~ [Repealed.]

19 (12) develop protocols for providing appropriate response times to  
20 requests for emergency medical services.

21 \* \* \*

1 (b) Two or more contiguous emergency medical services districts by a  
2 majority vote of the district board in each of the districts concerned may  
3 change the mutual boundaries of their emergency medical services districts.  
4 The district boards shall report all changes in district boundaries to the ~~State~~  
5 ~~Board~~ Department of Health.

6 \* \* \*

7 Subchapter 2. Licensing Operation of ~~Ambulance Service~~ Affiliated Agencies

8 § 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

9 (a) A person furnishing ambulance services or first responder services shall  
10 obtain a license to furnish services under this subchapter.

11 (b)(1) In order to obtain and maintain a license, an ambulance service shall  
12 be required to provide its services in a manner that does not discriminate on the  
13 basis of income, funding source, or severity of health needs, in order to ensure  
14 access to ambulance services within the licensee's service area.

15 (2) The Department of Health shall adopt rules in accordance with the  
16 provisions of subdivision (1) of this subsection.

17 § 2682. POWERS OF ~~STATE BOARD~~ THE DEPARTMENT OF HEALTH

18 (a) The ~~State Board~~ Department of Health shall administer this subchapter  
19 and shall have power to:

20 (1) Issue licenses for ambulance services and first responder services  
21 under this subchapter.

1           (2) Revoke or suspend upon due notice and opportunity for hearing the  
2 license of any person who violates or fails to comply with any provision of this  
3 subchapter, or any rule or requirement adopted under its authority.

4           (3) Make, adopt, amend, and revise, as it deems necessary or expedient,  
5 reasonable rules in order to promote and protect the health, safety, and welfare  
6 of members of the public using, served by, or in need of emergency medical  
7 treatment. Any rule may be repealed within 90 days of the date of its adoption  
8 by a majority vote of all the district boards. Such rules may cover or relate to:

9           (A) age, training, ~~credentialing~~, and physical requirements for  
10 emergency medical services personnel;

11           (B) design and equipping of ambulances;

12           (C) cooperation with hospitals and organizations in other related  
13 fields, and participation in central communications procedures; and

14           (D) any other matters properly within the purposes of this chapter.

15           (b) No fee or other payment shall be required of an applicant for a license.

16 § 2683. TERM OF LICENSE

17           Full licenses shall be issued on forms to be prescribed by the ~~State Board~~  
18 Department of Health for a period of ~~one year~~ three years **three years**  
19 beginning on January 1, or for the balance of any such ~~year~~ three-year period  
20 **three year period**. Temporary, conditional, or provisional licenses may also be  
21 issued by the ~~Board~~ Department.

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~~§ 2689. REIMBURSEMENT FOR AMBULANCE SERVICE PROVIDERS~~

~~(a)(1) When an ambulance service provides emergency medical treatment to a person who is insured by a health insurance policy, plan, or contract that provides benefits for emergency medical treatment, the health insurer shall reimburse the ambulance service directly, subject to the terms and conditions of the health insurance policy, plan, or contract.~~

~~(2) The Department of Financial Regulation shall enforce the provisions of this subsection.~~

~~(b) Nothing in this section shall be construed to interfere with coordination of benefits or to require a health insurer to provide coverage for services not otherwise covered under the insured’s policy, plan, or contract.~~

~~(c) Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a nonparticipating ambulance service to establish rates of reimbursement for emergency medical treatment.~~

Sec. 21. 18 V.S.A. § 9405 is amended to read:

§ 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE ALLOCATION PLAN

\* \* \*

(b) The Green Mountain Care Board, in consultation with the Secretary of Human Services or designee, shall publish on its website the Health Resource

1 Allocation Plan identifying Vermont’s critical health needs, goods, services,  
2 and resources, which shall be used to inform the Board’s regulatory processes,  
3 cost containment and statewide quality of care efforts, health care payment and  
4 delivery system reform initiatives, and any allocation of health resources  
5 within the State. The Plan shall identify Vermont residents’ needs for health  
6 care services, programs, and facilities; the resources available and the  
7 additional resources that would be required to realistically meet those needs  
8 and to make access to those services, programs, and facilities affordable for  
9 consumers; and the priorities for addressing those needs on a statewide basis.  
10 The Board may expand the Plan to include resources, needs, and priorities  
11 related to the social determinants of health. The Plan shall be revised  
12 periodically, but not less frequently than once every four years.

13 (1) In developing the Plan, the Board shall:

14 (A) consider the principles in section 9371 of this title, as well as the  
15 purposes enumerated in sections 9401 and 9431 of this title;

16 (B) identify priorities using information from:

17 (i) the State Health Improvement Plan;

18 (ii) emergency medical services resources and needs identified by  
19 the EMS Advisory Committee in accordance with subsection 909(f) of this  
20 title;



1 ~~on Health Care regarding its enforcement of 24 V.S.A. § 2689(a) (health~~  
2 ~~insurers' direct reimbursement to ambulance services) as set forth in Sec. 22 of~~  
3 ~~this act.~~

4 Sec. 23. 18 V.S.A. chapter 17 is amended to read:

5 CHAPTER 17. EMERGENCY MEDICAL SERVICES

6 § 901. POLICY

7 It is the policy of the State of Vermont that all persons who suffer sudden  
8 and unexpected illness or injury should have access to the emergency medical  
9 services system in order to prevent loss of life or the aggravation of the illness  
10 or injury, and to alleviate suffering.

11 (1) The system should include competent emergency medical ~~care~~  
12 ~~treatment~~ provided by adequately trained, licensed, ~~credentialed~~, and equipped  
13 personnel acting under appropriate medical control.

14 (2) Persons involved in the delivery of emergency medical care should  
15 be encouraged to maintain and advance their levels of training and licensure,  
16 and to upgrade the quality of their vehicles and equipment.

17 \* \* \*

18 ~~§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY~~

19 ~~— MEDICAL SERVICES~~

20 ~~Notwithstanding any other provision of law, including provisions of~~  
21 ~~26 V.S.A. chapter 23, persons who are licensed and credentialed to provide~~

1 ~~emergency medical care treatment pursuant to the requirements of this chapter~~  
2 ~~and implementing regulations the rules adopted under it are hereby authorized~~  
3 ~~to provide such care without further certification, registration, or licensing.~~

4 **§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY**

5 **MEDICAL SERVICES**

6 **Notwithstanding any other provision of law, including provisions of**  
7 **26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and**  
8 **licensed to provide emergency medical treatment pursuant to the requirements**  
9 **of this chapter and the rules adopted under it are hereby authorized to provide**  
10 **such care without further certification, registration, or licensing.**

11 \* \* \*

12 **§ 904. ADMINISTRATIVE PROVISIONS**

13 (a) In order to carry out the purposes and responsibilities of this chapter,  
14 the Department of Health may contract for the provision of specific services.

15 (b) The Secretary of Human Services, upon the recommendation of the  
16 Commissioner of Health, may ~~issue~~ adopt rules to carry out the purposes and  
17 responsibilities of this chapter.

18 \* \* \*

1 § 906. EMERGENCY MEDICAL SERVICES DIVISION;  
2 RESPONSIBILITIES

3 To implement the policy of section 901 of this ~~title~~ chapter, the Department  
4 of Health shall be responsible for:

5 (1) Developing and implementing minimum standards for training  
6 emergency medical personnel in basic life support and advanced life support,  
7 and licensing emergency medical personnel according to their level of training  
8 and competence. The Department shall establish by rule at least three levels of  
9 emergency medical personnel instructors and the education required for each  
10 level.

11 ~~(2) Developing and implementing minimum standards for vehicles used~~  
12 ~~in providing emergency medical care, designating the types and quantities of~~  
13 ~~equipment that must be carried by these vehicles, and registering those~~  
14 ~~vehicles according to appropriate classifications.~~

15 ~~(3) Developing a statewide system of emergency medical services,~~  
16 ~~including planning, organizing, coordinating, improving, expanding,~~  
17 ~~monitoring, and evaluating emergency medical services.~~

18 ~~(4) Establishing by rule minimum standards for the credentialing of~~  
19 ~~emergency medical personnel by their affiliated agency, which shall be~~  
20 ~~required in addition to the licensing requirements of this chapter in order for a~~  
21 ~~person to practice as an emergency medical provider. Credentialing shall~~

1 ~~consist of the minimum and appropriate requirements necessary to ensure that~~  
2 ~~an emergency medical provider can demonstrate the competence and minimum~~  
3 ~~skills necessary to practice within his or her scope of licensure. Any rule shall~~  
4 ~~balance the need for documenting competency against the burden placed on~~  
5 ~~rural or smaller volunteer squads with little or no administrative staff.~~

6 ~~[Repealed.]~~

7 \* \* \*

8 (7) Assisting hospitals in the development of programs ~~which~~ that will  
9 improve the quality of in-hospital services for persons requiring emergency  
10 medical ~~care~~ treatment.

11 \* \* \*

12 (9) Establishing requirements for the collection of data by emergency  
13 medical personnel and hospitals as may be necessary to evaluate emergency  
14 medical ~~care~~ treatment.

15 (10) Establishing, by rule, license levels for emergency medical  
16 personnel. The Commissioner shall use the guidelines established by the  
17 National Highway Traffic Safety Administration (NHTSA) in the U.S.  
18 Department of Transportation as a standard or other comparable standards,  
19 except that a felony conviction shall not necessarily disqualify an applicant.  
20 The rules shall also provide that:

21 \* \* \*

1           ~~(B) An individual licensed by the Commissioner as an emergency~~  
2           ~~medical technician, advanced emergency medical technician, or a paramedic,~~  
3           ~~who is credentialed by an affiliated agency, shall be able to practice fully~~  
4           ~~within the scope of practice for such level of licensure as defined by NHTSA's~~  
5           ~~National EMS Scope of Practice Model consistent with the license level of the~~  
6           ~~affiliated agency, and subject to the medical direction of the emergency~~  
7           ~~medical services district medical advisor.~~

8           (B) An individual licensed by the Commissioner as an emergency  
9           medical technician, advanced emergency medical technician, or a paramedic  
10          who is affiliated with an affiliated agency shall be able to practice fully within  
11          the scope of practice for such level of licensure as defined by NHTSA's  
12          National EMS Scope of Practice Model consistent with the license level of the  
13          affiliated agency, and subject to the medical direction of the emergency  
14          medical services district medical advisor.

15           (C)(i) Unless otherwise provided under this section, an individual  
16          seeking any level of licensure shall be required to pass an examination  
17          approved by the Commissioner for that level of licensure, except that any  
18          psychomotor skills testing for emergency medical responder, or emergency  
19          medical technician licensure shall be accomplished either by the demonstration  
20          of those skills competencies as part of the education required for that license

1 level or by the National Registry of Emergency Medical Technicians’  
2 psychomotor examination.

3 (ii) Written and practical examinations shall not be required for  
4 relicensure; however, to maintain licensure, all individuals shall complete a  
5 specified number of hours of continuing education as established by rule by the  
6 Commissioner. The Commissioner shall ensure that continuing education  
7 classes are available online and provided on a regional basis to accommodate  
8 the needs of volunteers and part-time individuals, including those in rural areas  
9 of the State.

10 \* \* \*

11 ~~(E) An applicant who has served as a hospital corpsman or a medic in~~  
12 ~~the U.S. Armed Forces, or who is licensed as a registered nurse or a physician~~  
13 ~~assistant shall be granted a permanent waiver of the training requirements to~~  
14 ~~become a licensed emergency medical technician, an advanced emergency~~  
15 ~~medical technician, or a paramedic, provided the applicant passes the any~~  
16 ~~applicable examination approved by the Commissioner for that level of~~  
17 ~~licensure and further provided that the applicant is credentialed by an affiliated~~  
18 ~~agency.~~

19 ~~(F) An applicant who is registered on the National Registry of~~  
20 ~~Emergency Medical Technicians as an emergency medical technician, an~~  
21 ~~advanced emergency medical technician, or a paramedic shall be granted~~

1 ~~licensure as a Vermont emergency medical technician, an advanced emergency~~  
2 ~~medical technician, or a paramedic without the need for further testing,~~  
3 ~~provided he or she is credentialed by an affiliated agency or is serving as a~~  
4 ~~medic with the Vermont National Guard.~~

5 (E) An applicant who has served as a hospital corpsman or a medic in  
6 the U.S. Armed Forces, or who is licensed as a registered nurse or a physician  
7 assistant shall be granted a permanent waiver of the training requirements to  
8 become a licensed emergency medical technician, an advanced emergency  
9 medical technician, or a paramedic, provided the applicant passes the  
10 applicable examination approved by the Commissioner for that level of  
11 licensure and is affiliated with an affiliated agency.

12 (F) An applicant who is registered on the National Registry of  
13 Emergency Medical Technicians as an emergency medical technician, an  
14 advanced emergency medical technician, or a paramedic shall be granted  
15 licensure as a Vermont emergency medical technician, an advanced emergency  
16 medical technician, or a paramedic without the need for further testing,  
17 provided he or she is affiliated with an affiliated agency or is serving as a  
18 medic with the Vermont National Guard.

19 (G) [Repealed.]





1 Affairs, and on Health and Welfare. The Committee's reports shall include  
2 information on the following:

3 \* \* \*

4 (5) funding mechanisms and funding gaps for EMS personnel and  
5 providers across the State, including for the funding of infrastructure,  
6 equipment, and operations and costs associated with initial and continuing  
7 training; and licensure, ~~and credentialing~~ of personnel;

8 (6) the nature and costs of dispatch services for EMS providers  
9 throughout the State, including the annual number of mutual aid calls to an  
10 emergency medical service area that come from outside that area, and  
11 suggestions for improvement;

12 \* \* \*

13 (8) how the current system of preparing and licensing EMS personnel  
14 could be improved, including the role of Vermont Technical College's EMS  
15 program; whether the State should create an EMS academy; and how such an  
16 EMS academy should be structured; and

17 (9) how EMS instructor training and licensing could be improved; ~~and~~

18 ~~(10) the impact of the State's credentialing requirements for EMS~~  
19 ~~personnel on EMS providers.~~

20 (f) In addition to its report set forth in subsection (e) of this section, the  
21 Committee shall identify EMS resources and needs in each EMS district and

1 provide that information to the Green Mountain Care Board to inform the  
2 Board’s periodic revisions to the Health Resource Allocation Plan developed  
3 pursuant to subsection 9405(b) of this title.

4 (g) The Committee shall establish from among its members the EMS  
5 Education Council, which may:

6 (1) sponsor ~~or approve~~ training and education programs required for  
7 emergency medical personnel licensure in accordance with the Department of  
8 Health’s required standards for that training and education; and

9 ~~(2) provide notice to the Department of Health of any training or~~  
10 ~~education program that it approves; and~~

11 ~~(3)~~ provide advice to the Department of Health regarding the standards  
12 for emergency medical personnel licensure and any recommendations for  
13 changes to those standards.

14 Sec. 24. 18 V.S.A. § 906(10)(C)(i) is amended to read:

15 (C)(i) Unless otherwise provided under this section, an individual  
16 seeking any level of licensure shall be required to pass an examination  
17 approved by the Commissioner for that level of licensure, except that any  
18 psychomotor skills testing for emergency medical responder, or emergency  
19 medical technician licensure shall be accomplished ~~either~~ by the demonstration  
20 of those skills competencies as part of the education required for that license

1 level ~~or by the National Registry of Emergency Medical Technicians'~~  
2 ~~psychomotor examination.~~

3 Sec. 25. 32 V.S.A. § 8557 is amended to read:

4 § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

5 (a)(1) Sums for the expenses of the operation of training facilities and  
6 curriculum of the Vermont Fire Service Training Council not to exceed  
7 \$1,200,000.00 per year shall be paid to the Fire Safety Special Fund created by  
8 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple  
9 peril, allied lines, farm owners multiple peril, commercial multiple peril (fire  
10 and allied lines), private passenger and commercial auto, and inland marine  
11 policies on property and persons situated within the State of Vermont within  
12 30 days after notice from the Commissioner of Financial Regulation of such  
13 estimated expenses. Captive companies shall be excluded from the effect of  
14 this section.

15 \* \* \*

16 (4) An amount not less than \$150,000.00 shall be specifically allocated  
17 to the Emergency Medical Services Special Fund established under 18 V.S.A.  
18 § 908 for the provision of training programs for certified Vermont EMS first  
19 responders and licensed emergency medical responders, emergency medical  
20 technicians, advanced emergency medical technicians, and paramedics.

21 \* \* \*

1 ~~Sec. 26. EMERGENCY MEDICAL PERSONNEL TRAINING;~~

2 ~~———— APPROPRIATION~~

3 ~~(a) The sum of \$450,000.00 is appropriated from the Emergency Medical~~  
4 ~~Services Fund and the sum of \$400,000.00 is appropriated from the General~~  
5 ~~Fund to the Department of Health in fiscal year 2021 for purposes of~~  
6 ~~emergency medical personnel training. The Department, in consultation with~~  
7 ~~the Emergency Medical Services Advisory Committee, shall use the monies to~~  
8 ~~provide funding for live and online training opportunities for emergency~~  
9 ~~medical personnel and for other emergency medical personnel training related~~  
10 ~~purposes. The Department and the Advisory Committee shall prioritize~~  
11 ~~training opportunities for volunteer emergency medical personnel.~~

12 ~~(b) The Department of Health, in consultation with the Emergency Medical~~  
13 ~~Services Advisory Committee, shall develop a plan:~~

14 ~~(1) to ensure that training opportunities for emergency medical~~  
15 ~~personnel are available statewide on an ongoing basis;~~

16 ~~(2) to simplify the funding application and disbursement processes; and~~

17 ~~(3) identifying opportunities to increase representation of the~~  
18 ~~perspectives of volunteer emergency medical personnel in decisions affecting~~  
19 ~~the emergency medical services system.~~

20 ~~(c) On or before January 15, 2021, the Department of Health shall report to~~  
21 ~~the House Committees on Health Care, on Appropriations, and on Government~~

1 ~~Operations and the Senate Committees on Health and Welfare, on~~  
2 ~~Appropriations, and on Government Operations with an accounting of its use~~  
3 ~~of the funds appropriated to the Department pursuant to subsection (a) of this~~  
4 ~~section and a copy of the plan developed by the Department pursuant to~~  
5 ~~subsection (b) of this section.~~

6 Sec. 27. TRANSITIONAL EMS PROVISIONS

7 (a) Rules. Except as otherwise provided in this act, on or before July 1,  
8 2021, the Department of Health shall finally adopt or amend the rules required  
9 by this act, unless that deadline is extended by the Legislative Committee on  
10 Administrative Rules pursuant to 3 V.S.A. § 843(c).

11 (b) Ambulance service licenses. The requirements for initial ambulance  
12 service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 20 of this  
13 act shall apply to initial ambulance service license and renewal applicants on  
14 and after July 1, 2021 or on and after the effective date of the Department of  
15 Health rules adopted pursuant to that section and subsection (a) of this section,  
16 whichever date is later.

17 (c) Existing EMS Instructor/Coordinator licensees. Any person who is  
18 licensed as an EMS Instructor/Coordinator under the Department of Health's  
19 Emergency Medical Service Rules in effect immediately prior to the effective  
20 date of the rules establishing the new levels of instructor licenses as required

1 by 18 V.S.A. § 906(1) in Sec. 23 of this act shall be deemed to be the highest  
2 license level.

3 (d) Development of Vermont EMS First Responder certification. The  
4 Department of Health shall consult with the EMS Advisory Committee, the  
5 University of Vermont’s Initiative for Rural Emergency Medical Services, and  
6 any other relevant stakeholders in developing the new Vermont EMS First  
7 Responder certification required by 18 V.S.A. § 906(11) in Sec. 23 of this act  
8 so that certification is established on or before July 1, 2021.

9 (e) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 906d  
10 (renewal requirements; sunset review) set forth in Sec. 23 this act, the  
11 Department of Health shall conduct its first sunset review in conjunction with  
12 its rulemaking required by this act and thereafter propose any necessary  
13 statutory amendments in accordance with that section.

14 \* \* \* Public Safety Planning \* \* \*

15 Sec. 28. 20 V.S.A. § 6 is amended to read:

16 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT;  
17 TOWN AND CITY PUBLIC SAFETY PLANS

18 (a) Each town and city of this ~~state~~ State is hereby authorized and directed  
19 to establish a local organization for emergency management in accordance  
20 with the ~~state emergency management plan~~ State Emergency Management  
21 Plan and program.

1           (1)(A) Except in a town that has a town manager in accordance with  
2 ~~chapter 37 of Title 24 V.S.A. chapter 37~~, the executive officer or legislative  
3 branch of the town or city is authorized to appoint a town or city emergency  
4 management director who shall have direct responsibility for the organization,  
5 administration, and coordination of the local organization for emergency  
6 management, subject to the direction and control of the executive officer or  
7 legislative branch.

8           (B) If the town or city that has not adopted the town manager form of  
9 government and the executive officer or legislative branch of the town or city  
10 has not appointed an emergency management director, the executive officer or  
11 legislative branch shall be the town or city emergency management director.

12           (2) The town or city emergency management director may appoint an  
13 emergency management coordinator and other staff as necessary to accomplish  
14 the purposes of this chapter.

15           (b) Except as provided in subsection (d) of this section, each local  
16 organization for emergency management shall perform emergency  
17 management functions within the territorial limits of the town or city within  
18 which it is organized, and, in addition, shall conduct such functions outside of  
19 the territorial limits as may be required pursuant to the provisions of this  
20 chapter and in ~~accord~~ accordance with such regulations as the ~~governor~~  
21 Governor may prescribe.

1 (c) Each local organization shall participate in the development of an all-  
2 hazards plan with the local emergency planning committee and the public  
3 safety district.

4 (d)(1) Each local organization shall annually notify the local emergency  
5 planning committee on forms provided by the ~~state emergency response~~  
6 ~~commission~~ State Emergency Response Commission of its capacity to perform  
7 emergency functions in response to an all-hazards incident.

8 (2) Each local organization shall perform the emergency functions  
9 indicated on the most recently submitted form in response to an all-hazards  
10 incident.

11 (e) Each town and city legislative body shall adopt a public safety plan in  
12 accordance with this subsection that describes how the town or city will  
13 address the regular law enforcement, fire, emergency medical service, and  
14 dispatch resources, needs, scarcities, costs, and problems within the  
15 municipality unrelated to an all-hazards incident, which may include  
16 partnering with one or more other municipalities or entities to address those  
17 issues.

18 (1) Concurrently with its annual notification required under subsection  
19 (d) of this section, each local organization shall analyze the law enforcement,  
20 fire, emergency medical service, and dispatch resources, needs, scarcities,

1 costs, and problems within the municipality and report that information to its  
2 legislative body.

3 (2) After receipt of that information, the legislative body:

4 (A) shall solicit and accept public comment on the current public  
5 safety plan;

6 (B) may consult with the municipal and regional planning  
7 commission, neighboring local organizations, and any other relevant law  
8 enforcement, fire, and emergency medical service entities in order to determine  
9 how those services may be provided and shared on a regional basis;

10 (C) shall propose any revisions to the current public safety plan that  
11 the legislative body deems necessary, and in that case, shall provide public  
12 notice of those proposed revisions and hold at least one public hearing on those  
13 proposed revisions not less than 30 days after the public notice of them; and

14 (D) shall finally adopt any revisions to the current public safety plan.

15 Sec. 29. TRANSITIONAL PROVISION; INITIAL PUBLIC SAFETY PLAN

16 Each town and city shall undertake the process to adopt a public safety plan  
17 as set forth in Sec. 28 of this act so that every town and city has adopted such a  
18 plan on or before July 1, 2023.

19 Sec. 30. AGENCY OF COMMERCE AND COMMUNITY

20 DEVELOPMENT; REGIONAL PLANNING COMMISSIONS;

21 PUBLIC SAFETY PLANNING GRANTS

1        (a) Appropriation. The sum of \$100,000.00 is appropriated to the Agency  
2        of Commerce and Community Development in fiscal year 2021 for three  
3        public safety planning grants described in subsection (b) of this section. The  
4        Agency shall award the grants in accordance with its procedure established  
5        under the Vermont Community Development Act.

6        (b) Public safety planning grants.

7            (1) Public safety planning grants are created for the purpose of fostering  
8        regional public safety planning.

9            (2) A regional organization, such as a regional planning commission,  
10        union municipal district, joint survey committee, or other qualified  
11        organization may apply to the Agency for a public safety planning grant for the  
12        purpose of planning the integration, consolidation, or regionalization of public  
13        safety functions within the organization's jurisdiction. A grant shall be for a  
14        maximum of three years and shall not exceed \$35,000.00, and shall be  
15        provided to grantees in different geographic regions of the State.

16            (3) A grantee shall be required to report annually on or before January  
17        15 to the Senate and House Committees on Government Operations and on  
18        Appropriations regarding its planning process and expected result. Each report  
19        shall specifically provide data on and analyze the potential costs and savings of  
20        regional consolidation of public safety functions.

21            (4) As used in this section:

